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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Harri Juntunen

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9474

7812 7590 06/15/2009
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EXAMINER

O BRIEN, JEFFREY D

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

06/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 6/9/2009 have been considered but they are not persuasive.
2. Applicant argues that one would not be motivated to apply the teachings of the support part and collar of '919 to the APA reference because there are not enough similarities between the fluid friction controllers of '919 and APA. Examiner disagrees and maintains that the valve members of '919 and APA are sufficiently similar in design and structure and that the valve of APA is capable of use in controlling flow of fluid along either a single channel or between a pair of channels and that one of ordinary skill in the art at the time the invention was made given the teachings of both APA and '919 that wanted to allow a close sliding relationship between the inner wall of the door closer body and the valve member would have modified the valve of APA with the support part and collar of '919.
3. In response to applicant's argument that incorporation of the collar having a chase as taught by '624 would cause the collar to be located in the blind segment of the bore and there would be no possibility of fluid flow past the collar, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). One of ordinary skill in the art would therefore be capable of appropriately combining

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the collar having a chase of '624 with the valve of APA so as not to cut off fluid flow, but to allow for continued adjustable fluid flow.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

/JO/
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